United Nations S/2006/603

Security Council

Distr.: General
2 August 2006

Original: English

Letter dated 31 July 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

Regarding the discussions in the Security Council at its 5500th meeting on 31 July, I have the honour to state the points contained in the annex to the present letter.

I should be grateful if you would have the present letter and its annex, including the footnotes to the said annex, circulated as a document of the Security Council.

(*Signed*) M. Javad **Zarif**

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Annex to the letter dated 31 July 2006 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council

In the name of God, the Compassionate, the Merciful

Mr. President,

In my letter of 28 July 2006, I had requested to be given an opportunity to speak before the Council takes action at its 5500th Meeting (AM) on July, 2006 so that the Council would be appraised –for the first time, of the views of the concerned party before it adopts a decision. You may recall that my previous request to speak before the Council, when it adopted its Presidential Statement on March 29th, had also been denied. It is indeed indicative of the degree of transparency and fairness, that the Security Council has adopted a presidential statement and a resolution without even allowing the views of the concerned party to be heard. Be it as it may, I would like to bring the following to your attention, but before doing that, allow me to express our deep appreciation to our friend and neighbor, Qatar, for their negative vote at the said meeting of the Council, a vote which is based on their position of principle as well as their concern for the stability of our region.

Mr. President,

This is not the first time that Iran's endeavors to stand on its own feet and make technological advances have faced the stiff resistance and concerted pressure of some powers permanently represented in the Security Council. In fact, contemporary Iran has been subject to numerous injustices and prejudicial approaches by these powers.

The Iranian people's struggle to nationalize their oil industry was touted, in a draft resolution submitted on 12 October 1951 by the United Kingdom and supported by the United States and France, as a threat to international peace and security.[1] That draft resolution preceded a *coup d'etat*, organized by the US and the UK -- in a less veiled attempt to restore their short-sighted interests. The coup, which was obviously no longer disguisable in the language of the Charter or diplomatic subterfuge, restored the brutal dictatorship. The people of Iran did, nevertheless, succeed in nationalizing the oil industry, thus pioneering a courageous movement in the developing world to demand their inalienable right to exercise sovereignty over their natural resources.

More recently, Saddam Hussein's aggression against the Islamic Republic of Iran on 22 September 1980, and his swift advancement to occupy 30000 sq. kilometers of Iranian territory, did not trouble the same permanent members of the Security Council enough to consider it a threat against international peace and security, or even to make the routine call for a cease-fire and withdrawal.

I wonder whether I can say routine these days!

[1] S/2358/Rev. 1.

Nor did they find it necessary to even adopt a resolution for seven long days after the aggression[2], hoping that their generally-held utter miscalculation that Saddam could put an end to the Islamic Republic within a week would be realized. Sounds familiar these days, doesn't it?

Even then and for the following two long years, they did not deem fit to call for a withdrawal of the invading forces.[3] The first Security Council resolution calling for withdrawal came in July 1982, only after the Iranian people had already single-handedly liberated their territory against all odds. Nor was this Council allowed for several long years and in spite of mounting evidence and UN reports[4], to deal with the use of chemical weapons by the former Iraqi dictator against Iranian civilians and military personnel, because as a former DIA official told the New York Times, "The Pentagon was not so horrified by Iraq's use of gas…It was just another way of killing people."[5]

Just another way!

Some twenty years later, tens of thousands of Iranians continue to suffer and die from that "just another way."

And over the past several weeks, this august body has been prevented from moving to stop the massive aggression against the Palestinian and Lebanese people and the resulting terrible humanitarian crisis. Diplomatic words fail to describe the way that the massacre in Qana was addressed yesterday. Nor is the Council given the slightest chance of addressing the aggressor's nuclear arsenal despite its compulsive propensity to engage in aggressions and carnage.

Likewise, the Security Council has been prevented from reacting to the daily threats of resort to force against Iran, even the threat of using nuclear weapons,[6] uttered at the highest levels by the US,[7] UK[8] and the lawless Israeli regime[9] in violation of Article 2(4) of the Charter. [10]

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[2] SCR 479, (28 September 1980), OP1: "Calls upon Iran and Iraq to refrain immediately from any further use of force, and to settle their dispute by peaceful means and in conformity with principles of justice and international law."

[3] SCR 514 (12 July 1982).

[4] S/16433, S/17127, S/17911.

[5] New York Times, 18 August 2002.

[6] On April 18, 2006 when President Bush was asked whether U.S. options regarding Iran "include the possibility of a nuclear strike" he refused to rule out a U.S. nuclear strike on Iran and instead replied: "All options are on the table."

[7] Iran will face "tangible and painful consequences," and the United States will use "all tools at our disposal" to thwart Iran's nuclear program and is already "beefing up defensive measures" to do so. (Statement by Ambassador Bolton at AIPAC Meeting, 5 March 2006).

[8] According to the Times of October 28, 2005, British Prime Minister "gave warning last night that the West might have to take military action against Iran." He was quoted again as admitting to British MPs on 7 February 2006 when asked if the British military option was on the table "You can never say never in any of these situations." (Daily Mirror, 8 February 2006.) Also see "Iran is the key to Jack Straw's demotion," in Guardian, 5 May 2006.

[9] On December 5, 2005, the then Israeli military intelligence Chief Maj. Gen. Aharon Zeevi Farkash said that, "after March 2006, Israel must be prepared to use means other than diplomacy to halt Iran's nuclear program." He went further to say that "If by the end of March 2006 the international community will have failed to halt Iran's nuclear-weapons program, diplomatic efforts will be pointless" (Washington Times, 5 December 2005). On December 4, 2005, when reporters asked General Dan Halutz, Chief of Staff of Israeli Army, how far Israel was prepared to go to stop Iran's nuclear program, he replied, "2000 Kilometers."(Washington Times, 7 January 2006).

[10] S/2006/178 and S/2006/273.

On the other hand, in the past few years, a few big powers have spared no effort in turning the Security Council, or the threat of resorting to it, into a tool for attempting to prevent Iran from exercising its inalienable right to nuclear technology for peaceful purposes, recognized explicitly under the NPT. The intention to use the Council only as a tool for this – or even more dangerous – ends could not have been made clearer than in the statement by the permanent representative of the United States at the AIPAC meeting on March 5th this year:

> "It is critical that we use the Council to help mobilize international public opinion. Rest assured, though, we are not relying on the Security Council as the only tool in our toolbox to address this problem."[11]

Mr. President,

The people and Government of the Islamic Republic of Iran are determined to exercise their inalienable right to nuclear technology for peaceful purposes and to build on their own scientific advances in developing various peaceful aspects of this technology. At the same time, as the only victims of the use of weapons of mass destruction in recent history, they reject the development and use of all these inhuman weapons on ideological as well as strategic grounds. The Leader of the Islamic Republic has issued a public and categorical religious decree against the development, production, stockpiling and use of nuclear weapons.[12] Iran has also clearly and continuously stressed that nuclear weapons have no place in its military doctrine. The President of the Islamic Republic of Iran, in his statement before the General Assembly last September, also underlined Iran's fundamental rejection of nuclear weapons, as well as the need to strengthen and revitalize the Non-Proliferation Treaty. He also stressed that "continued interaction and legal and technical cooperation with the IAEA will be the centerpiece of our nuclear policy."[13]

In order to dispel any doubt about our peaceful nuclear program, we enabled the IAEA to carry out a series of inspections that amounts to the most robust inspection of any IAEA Member State. It included more than 2000 inspector-days of scrutiny in the past 3 years; the signing of the Additional Protocol on 18 December 2003 and implementing it immediately until 6 February 2006; the submission of more than 1000 pages of declaration under the Additional Protocol; allowing over 53 instances of complementary access to different sites across the country; and permitting inspectors to investigate baseless allegations by taking the unprecedented step of providing repeated access to military sites.[14]

Consequently, all reports by the IAEA since November 2003 have been indicative of the peaceful nature of the Iranian nuclear program. In November 2003 and in the wake of sensational media reports on the so-called 18-years of concealment by Iran, the Agency confirmed that "to date, there is no evidence that the previously undeclared nuclear material and activities ... were related to a

[11] US Department of State: http://usinfo.state.gov/mena/Archive/2006/Mar/06-846555.html.
[12] Kayhan, 6 November 2004.
[13] Statement by President of the Islamic Republic of Iran before the General Assembly, 17 September 2005.
[14] See, *inter alia*, IAEA – GOV/2006/15, paragraph 30, IAEA – GOV/2004/83, paragraph 6, IAEA – GOV/2005/67, paragraph 56 and IAEA - GOV/OR.1119* Issued: April *2005*, paragraph 103.

nuclear weapons program."[15] We all remember how the then US Under-Secretary of State reacted to that conclusion.[16] The same conclusion can be found in other IAEA reports, even as recently as February 2006, which states that "As indicated to the Board in November 2004, and again in September 2005, all the declared nuclear material in Iran has been accounted for."[17] The Agency reaffirmed once again in paragraph 53 of the same report that it "has not seen any diversion of nuclear material to nuclear weapons or other nuclear explosive devices."[18]

Much has been made, including in today's proposed resolution, of a statement by the IAEA that it is not yet in a position "to conclude that there are no undeclared nuclear materials or activities in Iran." But the sponsors have conveniently ignored the repeated acknowledgments by the Director-General of the IAEA that "the process of drawing such a conclusion ... is a time consuming process,"[19] They also ignored the Addendum to the 2005 IAEA Safeguards Implementation Report, released in June 2006, which indicates that 45 other countries are in the same category as Iran, including 14 Europeans and several members of this Council.[20] I might add that out of the three sponsors of today's resolution, two are obviously in the privileged class – self-immunized from any scrutiny, but the third is in the same category as Iran.

Mr. President,

Iran's peaceful nuclear program poses no threat to international peace and security, and therefore dealing with this issue in the Security Council is unwarranted and void of any legal basis or practical utility. Far from reflecting – as advertised -- the concerns of the international community, the approach of the sponsors flouts the stated position of the overwhelming majority of the international community, clearly reflected in the most recent statements by Foreign Ministers of the Non-Aligned Movement and of the OIC, and partly reflected in the June 2006 IAEA Board Chairman's Conclusion.[21]

The 57 members of the OIC, in their recent Ministerial Meeting in Baku, expressed their "conviction that the only way to resolve Iran's nuclear issue is to resume negotiations without preconditions"[22], "welcomed the readiness of the Islamic Republic of Iran to settle all remaining outstanding issues peacefully", "recognized that any attempt aimed at limiting the application of peaceful uses of nuclear energy would affect the sustainable development of developing countries", "rejected discrimination and double standards in peaceful uses of nuclear energy", and "expressed concern over any unwanted consequences on the peace and security of the region and beyond of

[15] IAEA - GOV/2003/75, paragraph 52.
[16] See the comments by US Under-Secretary Bolton in USA Today, 30 November 2003. The November 2003 IAEA Board resolution was prevented by the US from reflecting that important IAEA finding. See IAEA - GOV/2003/80.
[17] IAEA - GOV/2006/15, paragraph 53.
[18] Ibid.
[19] IAEA - GOV/2005/67, paragraph 51. This is repeated again in IAEA - GOV/2006/15, paragraph 53: "the process of drawing such a conclusion, under normal circumstances, is a time consuming process even with an Additional Protocol in force."
[20] IAEA - GOV/2006/31/Add.1 (15 June 2006).
[21] Board of Governors, 15 June 2006, Chairman's Conclusion on Sub-item 8(g).
[22] A/60/915 (19 July 2006).

threats and pressures on Iran by certain circles to renounce its inalienable right to develop nuclear energy for peaceful purposes."[23]

The Non-Aligned Movement, comprising an overwhelming majority of this Organization, in the recent statement of its Ministers in Putrajaya "*stressed* that there should be no undue pressure or interference in the Agency's activities, especially its verification process, which would jeopardize the efficiency and credibility of the Agency", and "nothing should be interpreted in a way as inhibiting or restricting this right of States to develop atomic energy for peaceful purposes" and *"reaffirmed* that States' choices and decisions in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected."[24]

But, claiming to represent this international community, the EU3 in their so-called package of incentives last August, asked Iran to "make a binding commitment not to pursue fuel cycle activities."[25] A cursory look at the chronology of events since last August indicates that Iran's rejection of that illegal and unwarranted demand has and continues to be the sole reason for the imposition of resolutions and statements on the IAEA Board and this Council.[26]

Today's proposed action by this Council – which is the culmination of those efforts aimed at making the suspension of uranium enrichment mandatory -- violates the fundamental principles of international law, the Non Proliferation Treaty and IAEA Board resolutions. It also runs counter to the views of the majority of UN member states, which the Security Council is obliged to represent.

The IAEA Board, in its November 2004 resolution, drafted by the very same co-sponsors of today's resolution, declared that suspension "is a voluntary, non-legally binding, confidence-building measure."[27] This was repeated as recently as 15 June 2006 in the IAEA Board Chairman's Conclusion.[28]

The Non-Aligned Movement, in its recent Ministerial statement referred to earlier, stressed "the fundamental distinction between the legal obligations of States to their respective safeguards agreements and any confidence building measures voluntarily undertaken to resolve difficult issues", and "that such voluntary undertakings are not legal safeguards obligations."[29]

Mr. President,

The sole reason for pushing the Council to take action, as highlighted in the proposed resolution, is that Iran decided, after over two years of negotiations, to resume the exercise of its

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[23] OIC Resolution 18/33-P.

[24] NAM/MM/COB9 (30 May 2006).

[25] IAEA - INFCIRC 651, paragraph 34.

[26] In a letter dated 16 March 2006 from the British Political Director John Sawers addressed to his American, French, German and EU Commission colleagues: "We may also need to remove one of the Iranian arguments that the suspension called for is 'voluntary'. We could do both by making the voluntary suspension a mandatory requirement to the Security Council, in a Resolution." (Times Online, 22 March 2006).

[27] IAEA - GOV/2004/89, OP 1.

[28] Board of Governors, 15 June 2006, Chairman's Conclusion on Sub-item 8(g).

[29] NAM/MM/COB9 (30 May 2006).

inalienable right to nuclear technology for peaceful purposes, by partially reopening its fully safeguarded facilities and ending a voluntary suspension.

Iran's right to enrich uranium is recognized under the NPT. And upholding the rights of State-parties to international treaties is as essential as ensuring respect for their obligations. These regimes, including the NPT, are sustained by a balance between rights and obligations. Threats will not sustain the NPT or other international regimes. Ensuring that members can draw rightful benefits from membership and non-members are not rewarded for their intransigence does.

Yet exactly the opposite is the trend today. Today we are witness to an extremely dangerous trend; while members of the NPT are denied their rights and are punished, those who defy the NPT, particularly the perpetrators of current carnage in Lebanon and Palestine, are rewarded by generous nuclear cooperation agreements.[30] This goes so far that when it suits the US, even the acquisition of nuclear weapons for non-NPT members becomes "legitimate" to quote the US Ambassador.[31]

This is one awkward way to strengthen the NPT or ensure its universality!

This trend has reached such a horrendous and indeed ridiculous state that the Israeli regime, a non-member of the NPT, whose nuclear arsenal coupled with its expansionist, repressive and state-terror policies and behavior is repeatedly recognized as the single most serious threat to regional and international peace and security, finds the audacity to cry wolf about Iran's peaceful nuclear program and to lead a global campaign of threats, lies, deception, pressure, blackmail and outright extortion.

Yet, in spite of the massive political and propaganda machine, no one in today's world can accept the convoluted logic that it is OK for some to have nuclear weapons, while others are prevented from developing nuclear energy.

Another destructive trend is the imposition of arbitrary thresholds, which are often a function of bilateral considerations rather than objective or technical criteria. It should be interesting to recall that the United States began by trying to deny Iran any kind of nuclear activity. Even as late as 31 January 2003, the State Department Spokesman was saying: "we have consistently urged Russia to cease all such cooperation with Iran, including its assistance to the light water reactor at Bushehr."[32]

The new threshold regarding enrichment is as arbitrary as the previous ones, and is simply another excuse to begin a trend to prevent the realization of the rights of the members of the NPT to peaceful use, while according to the US Ambassador, non-members could "legitimately" continue producing nuclear bombs!

Mr. President,

It has been argued that the intervention by the Security Council is needed to ensure cooperation by Iran with the Agency and to bring Iran back to the negotiating table. I suggest to you that in order to achieve these goals, you do not need Security Council involvement. In fact, the

[30] "Israel Gets US Nuke Technology", The Associated Press, 22 Feb 2000.
[31] Reuters, 1 March 2006.
[32] US Department of State, Office of Spokesman, http://www.state.gov/r/pa/prs/ps/2003/17107.htm.

involvement by the Council hinders rather than help this ongoing process, because it is designed as an instrument of pressure.

As I indicated earlier, Iran's cooperation with the Agency was far more extensive and comprehensive before action was imposed on the IAEA Board to engage the Security Council. That cooperation enabled the Agency to conclude last September that good progress had been made "in the Agency's ability to confirm certain aspects of Iran's current declarations, which will be followed up as a routine Safeguards implementation matter."[33]

As for coming back to the negotiations table, Iran has always been ready for negotiations. For almost three years, Iran tried to sustain or even resuscitate negotiations with the EU3. Iran offered far reaching proposals to address the concerns and usher in a new era of cooperation: in August 2004, January 2005, March 2005, April 2005, July 2005 September 2005, January 2006, February 2006, and March 2006.

Throughout that period, Iran adopted extensive and extremely costly confidence building measures, including suspension of its rightful enrichment activities for two years, to ensure the success of negotiations. All along, it has been the persistence of some to draw arbitrary red-lines and deadlines that has closed the door to any compromise. This tendency has single-handedly blocked success and in most cases killed proposals in their infancy. This has been Washington's persistent strategy ever since Iran and EU3 started their negotiations in October of 2003. Only the tactics have changed.

All along, the threats by some to bring this issue before the Council and take it out of its proper technical and negotiated structure has loomed large over the negotiations and has impeded progress, derailed discussions and prevented focus on a mutually acceptable resolution.

The manner in which negotiations over the recently proposed package has been conducted is a further indication of the same propensity to resort to threats and the lack of a genuine will to reach a mutually acceptable resolution.

Iran publicly and in a show of good faith, reacted positively to this initiative and indicated its readiness to engage in fair, non-discriminatory and result-oriented, negotiations about the package within a mutually agreed time frame and without preconditions. Yet, an arbitrary deadline was set, *ex post facto*, without any justification and only to serve the totally ulterior objective of "maximizing influence."[34]

Indeed, it is informative to note that it took the EU 3 nearly 5 months (from March to August 2005) to consider a very serious proposal made by Iran last year, and even then the EU3 came up with a response that did not address any elements in that proposal. And yet, while the Islamic republic of Iran has clearly stated that it requires three more weeks to conclude its evaluation of the proposed

[33] IAEA - GOV/2005/67 (2 September 2005), Paragraph 43.

[34] Letter dated 16 March 2006 from British negotiator to his German, French and US counterparts, Times Online, 22 March 2006: "The period running up to the G8 Summit will be when our influence on Russia will be at its maximum, and we need to plan accordingly."

package and come up with a substantive reaction, it is astonishing – and indeed telling – to see that the EU3 and the United States are in such a rush to prematurely hamper the path of negotiations by imposing a destructive and totally unwarranted Security Council resolution. This rush becomes even more suspect, if one takes into account repeated statement of the Director-General of the IAEA, numerous experts and even US intelligence community about the absence of any urgency.

Compare this rush to the fact that some of the very same powers have for the last three weeks prevented any action, not even a 72 hour humanitarian truce, by the Security Council on the urgent situation in Lebanon, which has been officially and publicly interpreted by the aggressors as a "green light" to continue their onslaught, including the recent carnage in Qana.

You be the judge of how much credibility this leaves for the Security Council. Millions of people around the world have already passed their judgment[35].

So, Mr. President, it is pertinent to ask: what is the motive behind this long standing urge of some permanent members to bring Iran before the Security Council and the current rush? Is it anything other than pressure and coercion? I would suggest to you that this approach will not lead to any productive outcome, and in fact it can only exacerbate the situation. The people and Government of the Islamic Republic of Iran are not seeking confrontation and have always shown their readiness to engage in serious and result-oriented negotiations based on mutual respect and equal footing. They have also shown, time and again, their resilience in the face of pressure, threat, injustice and imposition.

[35] According to the UN Secretary-General, concluded his statement of 30 July 2006 before the Security Council by stating: "the authority and standing of this Council are at stake. People have noticed its failure to act firmly and quickly during this crisis…For the sake of the people of the region and of this Organization, I urge you to act, and to act now."